

Amish R. Doshi (AD-5996)
Pitney Hardin LLP
7 Times Square, 20th Floor
New York, New York 10036-7311
Telephone: 212-297-5800
Facsimile: (212) 916-2940
E-mail: adoshi@pitneyhardin.com

and

Kenneth Miller (Cal. Bar. No. 126083)
Kelly L. Morrison (Cal. Bar. No. 216155)
REIN EVANS & SESTANOVICH LLP
1925 Century Park East, Suite 1600
Los Angeles, CA 90067
Telephone: (310) 551-3100

Attorneys for Plaintiff

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
ENRON CORP., <i>et al.</i> ,)	Case No. 01-16034 (AJG)
Debtors.)	Adversary No. 04-02628
)	Jointly Administered (AJG)
<hr/>		
NORMAN B. TRENTON, IN HIS CAPACITY)	
AS TRUSTEE OF THE TRENTON FAMILY)	
TRUST DATED APRIL 8, 1986,)	
Plaintiff,)	JOINT REPORT OF PARTIES'
)	MEETING UNDER RULE 26(f) OF
)	THE FEDERAL RULES OF CIVIL
v.)	PROCEDURE
<hr/>		
ENRON WIND SYSTEMS, LLC, a California)	
limited liability company; SKY RIVER)	
PARTNERSHIP, a California general)	
partnership; ESI SKY RIVER LIMITED)	
PARTNERSHIP, a Delaware limited)	
partnership; FPL ENERGY SKY RIVER WIND,)	

LLC, a Delaware Limited Liability Company;)
and SKY RIVER LLC, a Delaware Limited)
Liability Company,)
Defendants.)

)

In accordance with Rule 26(f) of the Federal Rules of Civil Procedure, as made applicable to this adversary action by Rule 7026 of the Federal Rules of Bankruptcy Procedure, undersigned counsel hereby submits this Report of Parties' Meeting and Joint Discovery Plan.

1. DATE OF CONFERENCE AND APPEARANCES OF COUNSEL

The Rule 26(f) meeting was held on July 20, 2004. Appearing for the parties were: Kenneth Miller and Kelly L. Morrison for the Plaintiff, and Paige Montgomery, Martin A. Sosland and John Lamb for Defendant, Enron Wind Systems, LLC.

2. RULE 26 DISCLOSURES

Plaintiff and Defendant Enron Wind Systems will serve their Rule 26(a) disclosures on or before July 30, 2004.

3. SUBJECTS ON WHICH DISCOVERY IS NEEDED

The parties anticipate that discovery will be sought on the following subjects:

- (a) The relationships between the parties to the instant litigation, as well as related third parties, not already admitted to in the pleadings filed to date;
- (b) Interpretation of the royalty contracts that are the subject to this litigation;
- (c) Administration and performance of the royalty contracts that are the subject to this litigation;
- (d) Damages to the Plaintiff caused by the alleged breach by the Defendants of the royalty contracts that are the subject to this litigation; and
- (e) Unauthorized post-petition payments to the Plaintiff by Defendant Enron Wind Systems, LLC.

Both parties intend to serve interrogatories, requests for admission and requests for production of documents and to notice party and non-party depositions.

4. EXPERT WITNESSES

Plaintiff anticipates retaining an expert to opine on the nature and amount of damages suffered by Plaintiff as a result of the breach by the defendants of the royalty contracts that are the subject to this litigation. Defendant reserves the right to retain expert witnesses to rebut Plaintiff's expert. All parties reserve the right to retain additional experts, as needed.

5. JOINT DISCOVERY PLAN

The following is a proposed joint discovery plan:

- (a) Maximum of 50 interrogatories by each party.
- (b) Maximum of 10 depositions for each side, including experts, unless good cause is shown based on initial discovery responses.
- (c) Factual discovery to be completed by December 15, 2004.
- (d) Affirmative expert reports due on January 31, 2005.
- (e) Rebuttal expert reports due on March 3, 2005.
- (f) Supplemental expert reports due on March 16, 2005.
- (g) Dispositive motions to be filed and served by June 15, 2005.
- (h) No special discovery methods or procedures are requested at this time.
- (i) A pretrial conference will take place in accordance with the Court's schedule.
- (j) Expert discovery to be completed by April 15, 2005; and
- (k) "Substantive" interrogatories, as defined in Paragraph 6 below, to be propounded by May 16, 2005

6. SPECIAL DISCOVERY NEEDS

None, besides the right of each party to propound up to fifty (50) total interrogatories without further order of this Court in accordance with the agreement of the parties, despite the statutory limit of twenty-five interrogatories as found in Rule 33 of the Federal Rules of Civil Procedure. The parties also agree to relax the requirements of Local Bankruptcy Rule 7033-1 and Southern District Court Local Rule 33.3 to allow all parties to propound interrogatories requesting relevant information regarding the substantive issues of the case and the relationship of the parties in this case, and not restricted to only those matters found in Local Bankruptcy Rule 7033-1(a) and Southern District Court Local Rule 33.3(a) with respect to up to twenty-five (25) of the fifty (50) total interrogatories. These “substantive” interrogatories will not be propounded until the completion of all other discovery, including expert discovery.

September 14 __, 2004

Pitney Hardin, LLP

By: /s/ Amish R. Doshi

AMISH R. DOSHI (AD-5996)

FOR THE FIRM

7 Times Square, 20th Floor
New York, New York 10036-7311
Telephone: (212) 297-5800
Facsimile: (212) 682-3485
E-mail: adoshi@pitneyhardin.com

and

Kenneth Miller (Cal. Bar. No. 126083)
Kelly L. Morrison (Cal. Bar. No. 216155)
REIN EVANS & SESTANOVICH LLP
1925 Century Park East, Suite 1600
Los Angeles, CA 90067
Telephone: (310) 551-3100
Facsimile: (310) 551-0238
E-mail: kmiller@resllp.com
Attorneys for Plaintiff and Counter-Defendant
Norman B. Trenton, In His Capacity As Trustee Of The
Trenton Family Trust Dated April 8, 1986

WEIL, GOTSHAL & MANGES LLP

Martin A. Sosland (by permission)

By: /s/ Martin A. Sosland

Martin A. Sosland (*pro hac vice*)
200 Crescent Court, Suite 300
Dallas, Texas 75201
Telephone: (214) 746-7700
Facsimile: (214) 746-7777
Martin J. Bienenstock (MB 3001)
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for Defendant and Counterclaimant
Enron Wind Systems, LLC